

FILMING ORDINANCE

CHAPTER 36.

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Sec. 36-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

Filming – The taking of still or motion pictures either on film or videotape or similar recording medium for commercial or educational purposes intended for viewing on television, in theaters or for institutional uses. The provisions of this chapter shall not be deemed to include the “filming” of news stories within the Town of Westfield and shall not include filming by local Westfield access television, presently Channel 36.

Major motion picture – A “major motion picture” shall be defined as:

- (i) Any film which is financial and/or distributed by a motion picture studio, including, but not limited to, the following:
 - (a) Universal Pictures;
 - (b) Warner Brothers, including New Line Camera, Castle Rock Cinema and Turner Production Company;
 - (c) Paramount;
 - (d) 20th Century Fox;
 - (e) Columbia/Tri-Star;
 - (f) Disney;
 - (g) MGM – United Artists; or
- (ii) Any film for which the budget is at least five million dollars.

Public lands – Any and every public street, highway, sidewalk, square, public park or playground or any other public place within the town which is within the jurisdiction and control of the Town of Westfield.

(G.O. No 1736, § I.)

Sec. 36-2. Permit Required.

(a) No person or organization shall film or permit filming on public property within the Town of Westfield without first having obtained a permit from the office of the town administrator, which permit shall set forth the approved location of such filming and the approved duration of such filming by specific reference to day or dates. No permit shall authorize filming for more than three consecutive days in any one location, and in no

event shall filming at one location within the town exceed a total of six days in any one calendar year, regardless of the number of permits utilized in reaching this six-day maximum. This six-day limitation may be extended under the conditions set forth in section 36-3(k) of this chapter for a major motion picture. The permit must be readily available for inspection by town officials at all times at the site of the filming.

(b) All permits shall be applied for and obtained from the office of the town clerk during normal business hours. Applications for such permits shall be in a form approved by the town and shall be accompanied by a permit fee in the amount established by this chapter.

(c) If a permit is issued and, due to inclement weather or other good cause, filming does not in fact take place on the dates specified, the town administrator may, at the request of the applicant, issue a new permit for filming on other dates subject to full compliance with all other provisions of this chapter. No additional fee shall be paid for this permit.

(G.O. No 1736, § I.)

Sec. 36-3. Issuance of permits.

(a) No permits will be issued by the town administrator unless applied for on or before seven days before the requested shooting date, provided, however, that the town administrator may waive the seven day period if, in the administrator's judgment, the applicant has obtained all related approvals and adjacent property owners or tenants do not need to be notified.

(b) No permit shall be issued for filming upon public lands unless the applicant shall provide the town with satisfactory proof of the following:

(1) Proof of insurance coverage as follows:

a. For bodily injury to any one person in the amount of five-hundred thousand dollars and any occurrence in the aggregate amount of one million dollars.

b. For property damage for each occurrence in the aggregate amount of three-hundred thousand dollars.

(2) An agreement in writing pursuant to which the applicant agrees to indemnify and save harmless the Town of Westfield from any and all liability, expense, claim or damages for personal injury and property damage resulting from the use of public lands.

(3) The posting of a cash bond of one-thousand dollars or a maintenance bond of one-thousand dollars running in favor of the town and protecting and insuring that the location utilized will be left after filming in satisfactory condition free of debris, rubbish and equipment, and that all town ordinances, laws and regulations will be followed. Within seven days of completion of the filming, the town will return the bond if there has been no damage to public property or public expense caused by the filming.

(4) The hiring of an off-duty Westfield police officer for the times indicated on the permit.

(c) The holder of the permit shall take all reasonable steps to minimize interference with the free passage of pedestrians and traffic over public lands and shall comply with all lawful directives issued by the Westfield police department with respect thereto.

(d) The holder of a permit shall conduct filming in such a manner as to minimize the inconvenience or discomfort to adjoining property owners attributable to such filming and shall, to the extent practicable, abate noise and park vehicles associated with such filming off the public streets. The permit holder shall avoid any interference with previously scheduled activities upon public lands and limit, to the extent possible, any interference with normal public activity on public lands. Where the applicant's production activity, by reason of location or otherwise, will directly involve and/or affect any businesses, merchants or residents, these parties shall be given written notice of the filming at least seven days prior to the requested shooting date and be informed that objections may be filed with the town administrator, said objections to form a part of the applicant's application and be considered in the review of the application. Proof of service of notification to adjacent owners shall be submitted to the town clerk at the time the permit application is submitted.

(e) Filming in residential zones shall be permitted Monday through Friday between the hours of 7:00 A.M. and 9:00 P.M. provided that all requests for night scenes shall be approved in the permit to be granted in accordance with subsection (h) hereof. The set-up, production and break-down required by all filming shall be included in the hours set forth herein.

(f) The town administrator may refuse to issue a permit whenever the town administrator determines on the basis of objective facts and after a review of the application and a report thereon by the police department and by other town agencies involved with the proposed filming site, that filming at the location and/or the time set forth in the application would violate any law or ordinance or would unreasonably interfere with the use and enjoyment of adjoining properties, unreasonably impede the free flow of vehicular or pedestrian traffic or otherwise endanger the public's health, safety or welfare. Further, the town reserves the right to require one or more on-site patrolmen in situations where the proposed production may impede the proper flow of traffic, the cost of said patrolman to be borne by the applicant as a cost of production. Where existing electrical power lines are to be utilized by the production, an on-site licensed electrician may be similarly required if the production company does not have a licensed electrician on staff.

(g) Any person aggrieved by a decision of the town administrator denying or revoking a permit or a person requesting relief pursuant to subsection (f) may appeal to the town council. A written notice of appeal setting forth the reasons for the appeal shall be filed with the town administrator. An appeal from the decision of the town administrator shall be filed within ten days of the town administrator's decision. The town council shall set the matter down for a hearing within thirty days of the day on which the notice of appeal was filed. The decision of the town council shall be in the form of a resolution to be adopted at the first regularly scheduled public meeting of the town council after the hearing on the appeal, unless the appellant agrees in writing to a later date for the decision.

(h) The town administrator may authorize filming other than during the hours herein described. In determining whether to allow an extension of hours under this section, the town administrator shall consider the following factors:

1. Traffic congestion at the location caused by vehicles to be parked on the public street;
2. Applicant's ability to remove film-related vehicles off the public streets;
3. When the applicant is requesting restrictions on the use of public streets or public parking during the course of the filming;
4. The nature of the film shoot itself, e.g. indoor or outdoor; day or night;
5. Prior experience of the film company/applicant with the town, if any; and
6. Consultation with the council ward representatives of the ward in which the filming is to take place.

(i) Copies of the approved permit will be sent to the police and fire departments before filming takes place and to the New Jersey Film Commission. The applicant shall permit the fire prevention bureau or other town inspectors to inspect the site and the equipment to be used. The applicant shall comply with all safety instructions issued by the fire prevention bureau or other town inspectors.

(j) In addition to any other fees or costs mentioned in this chapter, the applicant shall reimburse the town for any lost revenue, such as parking meter revenue, repairs to public property or other revenues that the town was prevented from earning because of filming.

(k) Special regulations for major motion pictures.

(1) When filming is requested for a major motion picture, the approved location of such filming and the approved duration of such filming by specific reference to day or dates may exceed six days in duration if good cause is shown for a need to film beyond six days.

(2) Any days necessary to be used for set-up and preparation for a major motion picture filming may, in the discretion of the town administrator, be counted as a filming day where such set-up is anticipated to involve one or more of the factors set forth in paragraph (h) above.

(G.O. No. 1736, § 1.)

Sec. 36-4. Fees.

The schedule of fees for the issuance of permits authorized by this chapter is as follows:

- A. Basic filming permit: one-hundred dollars (\$100.00). Where an applicant requests a waiver of the provision of section 36-3(a) requiring expedited processing of the permit application, the basic filming permit fee shall be two-hundred twenty-five dollars (\$225.00).
- B. Daily filming fee payable in addition to the basic filming permit: one-thousand five hundred dollars (\$1,500.00) per day.
- C. Filming permit for non-profit applicants filming for educational documentary or public television purposes (no daily rate required): twenty-five dollars (\$25.00).
- D. Filming permit for student applicants filming for educational documentary or public television purposes (no daily rate required): none.

(G.O. No. 1925, § I.)

Sec. 36-5. Violations and Penalties.

Where the owner of the premises is not the applicant for a permit required by this chapter, both the owner of the private property and the applicant shall each be liable for violations hereof. Any person violating this chapter or these rules and regulations, upon conviction thereof, shall be punished by a fine not exceeding one-thousand dollars (\$1,000.00) per day or by imprisonment in the county jail for a term not exceeding thirty days, or both. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(G.O. No. 1736, § I.)